

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: All nominations placed on the Secretary's desk in the Coast Guard; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; and the President be immediately notified of the Senate's actions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1219 COAST GUARD nominations (7) beginning PATRICK J. GRACE, and ending KARL B. HELLBERG, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2021;

PN1282 COAST GUARD nominations (4) beginning ROYCE W. JAMES, and ending PETER H. IMBRIALE, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2021;

PN1283 COAST GUARD nominations (293) beginning BRITTANY S. AKERS, and ending TIFFANY M. ZEHNLE, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2021;

PN1294 COAST GUARD nominations (183) beginning MARK P. AGUILAR, and ending MATTHEW W. ZINN, which nominations were received by the Senate and appeared in the Congressional Record of October 21, 2021.

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent the Senate consider the following nomination, Executive Calendar No. 563, Jennifer Clyburn Reed, of South Carolina, to be Federal Cochairperson of the Southeast Crescent Regional Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jennifer Clyburn Reed, of South Carolina, to be Federal Cochairperson of the Southeast Crescent Regional Commission. (New Position)

Mr. SCHUMER. I ask unanimous consent that the Senate vote on the nomination without intervening action or debate; and if confirmed, the motion to reconsider be considered made and laid upon the table all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Reed nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

CIVILIAN RESERVIST EMERGENCY WORKFORCE ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 154, S. 2293.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2293) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civilian Reservist Emergency Workforce Act of 2021" or the "CREW Act".

SEC. 2. PERSONNEL PERFORMING SERVICE RESPONDING TO PRESIDENTIALLY DECLARED MAJOR DISASTERS AND EMERGENCIES.

Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149) is amended by adding at the end the following:

"(d) PERSONNEL PERFORMING SERVICE RESPONDING TO DISASTERS AND EMERGENCIES.—

"(1) USERRA EMPLOYMENT AND REEMPLOYMENT RIGHTS.—The protections, rights, benefits, and obligations provided under chapter 43 of title 38, United States Code, shall apply to intermittent personnel appointed pursuant to subsection (b)(1) to perform service to the Federal Emergency Management Agency under sections 401 and 501 or to train for such service.

"(2) NOTICE OF ABSENCE FROM POSITION OF EMPLOYMENT.—Preclusion of giving notice of service by necessity of service under subsection (b)(1) to perform service to the Federal Emergency Management Agency under sections 401 and 501 or to train for such service shall be considered preclusion by 'military necessity' for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to review in any judicial or administrative proceeding."

SEC. 3. EXTENSION OF CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS TO FEMA RESERVISTS.

(a) IN GENERAL.—Section 4303 of title 38, United States Code, is amended—

(1) in paragraph (13), by inserting before "and a period" the following: "a period for which a person is absent from a position of employment due to an appointment into service in the Federal Emergency Management Agency as intermittent personnel under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))";

(2) by redesignating the second paragraph (16) (relating to uniformed services) as paragraph (17); and

(3) in paragraph (17), as so redesignated, by inserting before "and any other category" the following: "intermittent personnel who are appointed into Federal Emergency Management Agency service under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) or to train for such service,".

(b) MODIFICATION OF EXCEPTION FOR REQUIREMENT FOR MEMBERS OF UNIFORMED SERVICES TO PROVIDE NOTICE TO EMPLOYERS TO OBTAIN CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Section 4312(b) of title 38, United States Code, is amended—

(1) by striking the second sentence;

(2) by inserting "(1)" before "No notice"; and

(3) by adding at the end the following new paragraph:

"(2) A determination of military necessity for purposes of paragraph (1) shall be made—

"(A) except as provided in subparagraphs (B) and (C), pursuant to regulations prescribed by the Secretary of Defense;

"(B) for persons performing service to the Federal Emergency Management Agency under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165f) and as intermittent personnel under section 306(b)(1) of such Act (42 U.S.C. 5149(b)(1)), by the Administrator of the Federal Emergency Management Agency as described in sections 327(j)(2) and 306(d)(2) of such Act (42 U.S.C. 5165f(j)(2) and 5149(d)(2)), respectively; or

"(C) for intermittent disaster-response appointees of the National Disaster Medical System, by the Secretary of Health and Human Services as described in section 2812(d)(3)(B) of the Public Health Service Act (42 U.S.C. 300hh-11(d)(3)(B)).

"(3) A determination of military necessity under paragraph (1) shall not be subject to judicial review."

Mr. SCHUMER. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered laid and made upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 2293), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NO CONGRESSIONALLY OBLIGATED RECURRING REVENUE USED AS PENSIONS TO INCARCERATED OFFICIALS NOW ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, S. 693.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 693) to amend title 5, United States Code, to provide for the halt in pension payments for Members of Congress sentenced for certain offenses, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Madam President, I ask unanimous consent that the bill be